

SECOND: That your Complainants, on the 13th day of April, 1926, executed a Mortgage to William Mc. Roderick in the amount of Sixteen Thousand (\$16000.00) Dollars, with interest at the rate of five (5) per cent per annum, payable semi-annually, which said Mortgage covered the aforesaid property described in the Deed from Andrew M. Roderick and A. Viola Roderick, his wife, to Harry M. Roderick and Eula I. Roderick, his wife, as will appear in the said Mortgage filed herewith as a part hereof and marked "Complainants' Exhibit B."

THIRD: That on the 14th day of April, 1926, the said William Mc. Roderick, for value received, assigned the said Mortgage to the Commercial State Bank of Frederick, Maryland, which said assignment was recorded and filed on the 14th day of April, 1926, as will appear in the aforesaid Mortgage filed as "Complainants' Exhibit B."

FOURTH: That the Commercial State Bank of Frederick, Maryland, changed its name in 1931 to that of Commercial Bank of Maryland and continued to do business in Frederick, Maryland; that on or about the 1st day of July, 1938, the Commercial Bank of Maryland consolidated with the Western Maryland Trust Company and the aforesaid Mortgage from Harry M. Roderick and Eula I. Roderick, his wife, to William Mc. Roderick was never transferred as an asset nor does it appear that the said Bank has any further interest in said Mortgage; that subsequent to the 14th day of April, 1926, the said Commercial State Bank of Frederick, Maryland, delivered the said Mortgage to William Mc. Roderick and failed to execute an assignment of the said Mortgage.

FIFTH: That the said William Mc. Roderick died on or about the 20th day of January, 1929, leaving a Last Will and Testament dated the 30th day of June, 1927, a certified copy of which said Last Will and Testament is filed herewith as a part hereof and marked "Complainants' Exhibit C"; that the said William Mc. Roderick left surviving him a widow, Clara V. Roderick, and the following children: a son, Harry M. Roderick, who intermarried with Eula I. Roderick; a son, Elmer E. Roderick, who intermarried with Nellie Roderick; a daughter, Nellie M. Roderick, who intermarried with Sterling E. Spurrier; a daughter, Bessie G. Roderick, who intermarried with James R. Van Sant; a daughter,